

REMARKS

Claims 1, 3-9 and 19, 20, 22-30 and 32-37 remain pending in the application.

The Applicant respectfully requests the Examiner to reconsider earlier rejections in light of the following remarks. No new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

Claims 1, 3, 5-9, 19, 20, 22-28, 30 and 32-37 over Hoffman in view of White

Claims 1, 3, 5-9, 19, 20, 22-28, 30 and 32-37 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 5,390,237 to Hoffman, Jr. et al. ("Hoffman") in view of U.S. Patent No. 6,064,449 to White et al. ("White"). The Applicant respectfully traverses the rejection.

Claims 1, 3, 5-9, 32 and 35 recite a locality lookup table associating call related information entries with respective broadcast information streams relevant to a locality, and a plurality of **PRE-stored** broadcast information streams within a server of current news relevant to a locality. The processor **automatically** identifies a specific one of the plurality of **PRE-stored** broadcast information streams **based only on call related information**, and to allow downloading to a caller of a real time audible representation of the one of the plurality of **PRE-stored** broadcast information streams relevant to the locality.

Claims 19, 20, 22-28, 30, 33, 34, 36 and 37 recite a method of selecting a broadcast information stream relevant to a locality, comprising **automatically** determining a desired one of a plurality of **PRE-stored** broadcast information streams relevant to a locality **based only on call related information**, and downloading the desired one of the plurality of **PRE-stored** broadcast information streams relevant to a locality to the calling party.

The Examiner alleges Hoffman discloses providing weather information to a caller via a telephone network, but **acknowledges** that Hoffman fails to disclose downloading weather information based only on **caller information** relevant to the **caller's locality** (See Office Action, page 3). The Examiner relies on White at col. 5, lines 44-61 to allegedly make up for the

deficiencies in Hoffman to arrive at the claimed features. The Applicant respectfully disagrees.

The Examiner alleges White at col. 5, lines 44-61 discloses “based only on call related information received with respect to an incoming call, allow downloading to a caller of a real time audible representation of the one of the plurality of pre-stored broadcast information streams relevant to the locality” (See Office Action, page 4). However, White at col. 5, lines 44-61 discloses a method of providing a type of input television signal, i.e., IRC or HRC (See White at col. 1, lines 31-34), from a server to a client system by providing television channel locality information such as a supplied zip code or Caller ID information from the client system to the server. White’s client system is a WebTV box (See Fig. 1, item 2).

Thus, White discloses the interaction of two digital computer systems, i.e., a WebTV box and a server, with digital information passing there-between. Thus, even if White’s WebTV box equated to a caller, which it does not by any interpretation of a caller, White fails to disclose or suggest the use of audible information for any reason, much less downloading to a caller of a real time audible representation of the one of the plurality of pre-stored broadcast information streams relevant to the locality, as recited by claims 1, 3, 5-9, 19, 20, 22-28, 30 and 32-37.

Moreover, modifying Hoffman with the disclosure of White is **nonsensical**. Hoffman discloses a system and method of allowing a caller to using touch tones to access a remote weather station (See Abstract). White is related to determining a type of input television signal for a WebTV box. Hoffman modified to determine a type of input television signal for a telephone (Hoffman fails to disclose a television device) is **nonsensical**.

Moreover, White passes digital information to a calling device, i.e., a WebTV box. Hoffman passes audible information to a caller. Modifying Hoffman to receive White’s digital information would be unintelligible to a caller, not that White’s information is even the correct type of information. Thus, Hoffman modified by the disclosure of White fails to disclose or suggest downloading to a caller of a real time audible representation of the one of the

plurality of **PRE-stored** broadcast information streams relevant to the locality, as recited by claims 1, 3, 5-9, 19, 20, 22-28, 30, and 32-37.

For these and other reasons, claims 1, 3, 5-9, 19, 20, 22-28, 30, and 32-37 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claim 4 over Hoffman in view of White and Reilly

Claim 4 was rejected under 35 USC 103(a) as allegedly being obvious over Hoffman in view of White, and further in view of U.S. Pat. No. 5,740,549 to Reilly et al. ("Reilly"). The Applicant respectfully traverses the rejection.

Claim 4 depends from claim 1, and is patentable for all the reasons that claim 1 is patentable.

As discussed above, Hoffman in view of White fails to disclose, teach or suggest selection of **PRE-stored** broadcast information streams, much less **AUTOMATIC** identification of a specific one of a plurality of **PRE-stored** broadcast information streams based only on call related information, as recited by claim 4.

The Examiner cites Reilly as allegedly teaching "a modem in communication with the processor (column 4, lines 23-38)." (Office Action at 8)

Even so, Reilly fails to teach or suggest the use of **PRE-stored** broadcast information streams, much less **AUTOMATIC** identification of a specific one of a plurality of **PRE-stored** broadcast information streams based only on call related information, as recited by claim 4.

Accordingly, the theoretical combination of Hoffman in view of White, and further in view of Reilly, even if proper, STILL fails to teach or suggest the features of claim 4.

For at least these reasons, claim 4 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claim 29 over Hoffman in view of White and Fellingham

Claim 29 was rejected under 35 USC 103(a) as allegedly being obvious over Hoffman in view of White, and further in view of U.S. Pat. No. 6,442,244 to Fellingham et al. (“Fellingham”). The Applicant respectfully traverses the rejection.

Claim 29 depends from claim 19, and is patentable for all the reasons that claim 19 is patentable.

As discussed above, Hoffman in view of White fails to disclose, teach or suggest selection of **PRE-stored** broadcast information streams, much less **AUTOMATIC** identification of a specific one of a plurality of **PRE-stored** broadcast information streams based only on call related information, as recited by claim 29.

In the Office Action, the Examiner cites Fellingham for allegedly teaching “storing the downloaded desired one of the plurality of broadcast information streams relevant to a locality in a voice messaging system associated with the calling party (column 4, lines 14-19).” (Office Action at 9)

Fellingham teaches a system wherein upon receipt of a call, a switch within a network accesses a database to determine if the call should receive an announcement during call set-up. (Fellingham, Abstract) Fellingham requires MANUAL input by a user, for instance, requiring a MANUAL caller to MANUALLY enter their area code number, etc. (e.g., See Fellingham, col. 4, lines 14-19.

Fellingham clearly teaches that an **announcement is provided in real-time**, not for storage in a voice messaging system associated with the calling party, as claimed by claim 29. In fact, Fellingham TEACHES AWAY from storage of the announcement in a voice messaging system by teaching that the announcement is provided during the CALL SET-UP—NOT at all during a call itself. In fact, according to Fellingham, as soon as the call IS established, the announcement is terminated. Thus, according to Fellingham, the announcement CAN’T be stored in a voice messaging system that stores calls from ESTABLISHED telephone calls.

Accordingly, Fellingham fails to teach or suggest the use of PRE-stored **broadcast** information streams, much less **AUTOMATIC** identification of a specific one of a plurality of PRE-stored **broadcast** information streams based only on call related information, and certainly not storage in a voice messaging system associated with the calling party, all as claimed by claim 29.


Accordingly, the theoretical combination of Hoffman in view of White, and further in view of Fellingham, even if proper, STILL fails to teach or suggest the features of claim 29.

Therefore, claim 29 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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